

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT (PA)

IN RE: LORA, et al. v. BAYLOR, et al. # 1:20-cv-1787
THIRD CIRCUIT COURT # 20-3297 (ON REMAND)
JURY TRIAL DEMAND BY PLAINTIFFS.

'AMENDED COMPLAINT'

FILED
SCRANTON

JAN 07 2022

JURISDICTION AND VENUE:

PER S DEPUTY CLERK

(1) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1333(2)(B). Plaintiffs seek declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiffs claims for relief are authorized in the 3rd Circuit Sister Court U.S.C.A. (as the 9th Circuit is "OVERRULED BY AND THROUGHOUT WITHIN" v. PEARCE, 954 F.2d 1470, 1475, 1478, and 1481 (1992) - PRECEDENT").

(2) The U.S.D.C. - Middle District (PA) is an appropriate venue under 28 U.S.C. Section 1331(b)(2) because it is where the events giving

2

use to this claim occurred.

Plaintiffs:

(3) Plaintiffs in LORA, et al. is and was at all times mentioned herein; (ALL Plaintiff); were prisoners of the state of PA in the custody of (MCCF) Monroe County Correctional Facility... At Folsom (Facility for the class) is currently confined at SCI Phoenix, some plaintiffs are still confined at MCCF, SCI, and a few are at liberty...

Defendants:

(4) Defendant Lea Befor is the Director at MCCF in the county of Monroe (PA)... She is legally responsible for the overall operation as Director of MCCF and each institution under its jurisdiction including MCCF... And responsible in addressing grievances at 1st level

(5) Defendant Gary Hardle is the Warden at MCCF in the county of Monroe (PA)... He is legally responsible for the overall operation as Warden of MCCF and each institution under its jurisdiction including MCCF... And is responsible for addressing grievances at 1st level

3.

(b) Defendant SGT. ARMALI is a SGT. at MCF in the Monroe County Corrections Facility (PA). He is legally responsible for the overall operation of inmates and each institution under its jurisdiction including ISZ level reply to all grievances with Lee Baylor (P4)

(c) Defendant GEOFFREY COLEMAN is the CLERK of JUDGES @ Monroe County Corrections (PA). He is legally responsible for the overall operation of the court docket sheets/entries and each institution under its jurisdiction including filing all motions and knowing when rights become vested..

(d) Each defendant is sued IMMEDIATELY after HIS/HER OFFICIAL CAPTURE... AT ALL TIMES MENTIONED IN THIS COMPLAINT. Each DEFENDANT ABOVE ACCUSED until COURT OF COMMON LAW And is named (Defendant's Name) "CALL(4)"..

FACTS:

(e) Pursuant to PAR.CPR. P. §571(4) defendants in a criminal proceeding is to be arraigned 10 days after the information is filed (as an example for Alford his information was

d.

filed 6-29-20) so the latest on arraignment
date of been conducted was 7-9-20 so
under objection the arraignment conduct
9-2-21 was unconstitutional beyond the time
~~frame requirements~~. And we sought relief

Pursuant to PA 2 CRIM. P. § 600(B)(1), (D)(2)
defendants in a criminal proceeding is to
not be in pretrial incarceration in excess
of 180 days so to date the complaint
was filed (as an example for the defendant
was confined 6-7-20) so the latest in the
court of been conducted was 12-7-20 so
under objection the trial conducted 5-10-21
was unconstitutional beyond the time
frame requirement. And sought relief to 600(D)(2)

(b) Defendants / Plaintiffs filed grievances because
state statutes created a liberty interest
and thoroughly exhausted when we grieved
our confinement citing excessive confinement
and false imprisonment to Lee Baylor, SGT
Armond and at the final level with
Warden Gary Heidle who failed to ~~not~~
MCCF on our complaint and told us by
seek our legal fees instead of investigating
these serious constitutional violations that

6th

plaintiffs are going months / years without
an assignment or speedy trial from
July 9, 2020 until 5-10-21 when was
transferred to MCP (1st Amendment violations
transfer) "because we were exercising our
constitutional (federal & state) rights and
to redress the deprivation." After thoroughly
exhausting PUCET this they civil complaint
followed, we sought to be labeled as a
class because it was over 30 of us
plaintiffs / plaintiffs in the same situation of
not being assigned or given trials in a
timely matter. And why bail reform
is needed so those dates of release will be on
the docket ~~and~~ after 10 day def time periods.

(II) In the states In Gen. State wide
Emergency the PA Supreme Court authorized
all courts to use ADVANCE COMMUNICATION
Technology (ACT) PA.2 ch. P. 103 to meet our
constitutional requirements as soon as to
Meeting, ll. address, telephone, etc because
the courts only closed in court spaces
(see 230 A-3d 105 PA Supreme Court Bulletin
Statute effective April 28, 2020 enclosed)
and defendants failed to do so.. to meet our
constitutional requirements

we plaintiffs sought relief by ways of

habeas corpus and motion for relief to
¹§600(D)(6) to ~~6005~~ ~~6005~~ who failed
 to set and ignored our request for relief
 did not file on the docket sheet our
 motions for relief as we had ineffective
 assistance of counsel. Then to your self
 on the bound as they was using the
 pandemic as an excuse but failed to
 equally apply the law when they gave
 Beers, Coates, Medina (cont'd) out of Colorado
 relief (#1) bail is the pandemic but did
 not give to those who was similar
 situated, way beyond the fine genre
 requirements (~~Mondays~~) 1928 without adjourned
 trials resulting in excessive confinement for
¹July 9, 2020 - July, 2021 when ~~6005~~ ~~6005~~
 is to keep track of all confined and
 their cost suppressed and ~~6005~~ ~~6005~~
 failed to reset after thoroughly notified
 our confinement/complaints

(12) Attached is the PA. effects of case that
 must be strictly construed to ~~PACER~~
[§]101(A)(G)(D) and ¹PA.C.S. [§]1921(a)(b)(c)(1-8); and ¹1928
[§]2(b)(1) Attached is the case law in
 support of relief and plaintiff must be

F

served damages for arraigning me in 85 days (Ariford and others) ~~64 days beyond 57(A)~~
 and conducting an entirely trial for me
 in ~~338 days~~ (Ariford & others) ~~158 days beyond~~
~~200(B)(1) without justification~~, as we claim.
False imprisonment established by defendants
 herein and their decision to maintain a
policy of inaction that admittedly did not detect missed arraignments and trials
 was tantamount to an intent to confine
 individuals who had a right to be
 released as cooks, bakers, medical corps
 who was released in the guidance of if
excessive confinement and false imprisonment and
 defendants failure to detect prolonged
 incarceration and failing to provide prompt
 trial procedures evidence deliberate
 indifference to our rights thus triggering 1983
liability and any reasonable just, as the
 record will reflect, could form an
 established claim for false imprisonment
because defendants inactions and defendant
minimist approach to trial procedures and
court procedures defendants failed to provide
 plaintiffs with the protection that they were
 due contending US Const. Amend 6, 8th, and 14th

8

And Our attorney and through Casper v. Pearce
954 F.2d 1470, 1475, 1478, 1481 (9th Cir. 1992)
is attached to help the court understand
our claims as the 3rd Circuit understood
vacated, and remanded this case for
further proceedings. EXHIBIT "A" IS OUR
COMPLAINT; EXHIBIT "B" IS THE RULES OF COURT;
EXHIBIT "C" IS LEGISLATIVE HISTORY THE RULES
MUST BE CONSTRUED/BUDGET; EXHIBIT "D" IS
THE PTA SUPPORT COMPLAINT IN GEN. SETTLEMENT
EMERGENCY ATTACHMENT. All comes to US
(ACZ) TO MEET OUR CONSTITUTIONAL REQUIREMENTS.
EXHIBIT "E" IS OUR STATED US / PTA CONSTITUTIONAL

LEGAL CITATIONS:

(3) THE VIOLATION OF P.A.R ch. 5. § 7(A) AND
§ 600(B)(1), (1)(2) AND DELIBERATE INDIFFERENCE
AND UNJUSTIFIED INCARCERATION AND DELIBERATE
FAILING TO ACT AFTER NOTIFIED OF PROLONGED
INCARCERATION BEYOND THE TIME FRAME
REQUIREMENT, FAILURE TO EQUALLY APPLY THE
LAW WITH THE LAW'S MANDATORY LANGUAGE
AS "SHALL BE CONSTRUED TO MEAN, THESE
INSTRUMENTS FILED - FOR ATTACHMENT / NO
DEFINITE SHALL BE IN PLAINTE IN THIS SECTION

1st Access of 180 days" and defendants
Policy of inaction, failure to detect, or
investigate after proper grievances filed
and motions for relief filed violated
plaintiffs rights and constituted 8th, 8th,
and 14th Amendment citing speedy trial,
cruel and unusual punishment and due
process/equal protection violations of our
sacred U.S./PA. constitutions because
state statutes § 57(1) and § 600(B)(1), (D)(1)(2)
created a liberty interest and our U.S.
Supreme Court has recognized that an
individual has a liberty interest in being
free from incarceration absent a criminal
conviction and state statutes are explicitly
mandatory and "statute mandates certain
procedures and we have to be released if
no arraignment is conducted in 10 days after
information filed and if no trial is
conducted in 180 days when the complaint
is filed and defendant minimally appeals
(see York State Law) to file and court
procedure they failed to provide plaintiff
the protection that they were to do
containing U.S. const Amend 6, 8, and 14th
and freedom from incarceration is a vital 1. best

10-

interest for those who have not been
criminally convicted... Defendants herein
inactions evidence a deliberate indifference
to our constitutional rights and under
Pennsylvania case law, state actors are not
immunized for their intentional acts to
confine without legal authority. This case
is unique and should be a question for the
jury and as on all cases we should be
awarded damages and attorney fees
under 42 U.S.C. § 1988 or a multiplier to
the lodestar figure to enhance fees to
attract competent counsel for the class.

(4) The plaintiffs had no plain, adequate or
complete remedy at law to redress the
wrongs described herein. Plaintiff has been
and will continue to be irreparably injured
(Add A witness list of other inmates (100+)
by the conduct of the defendants who
disregards the law, failure to equally apply
the law and violate inmates constitutional
rights unless this court grant the
declaratory relief which plaintiff seeks.
Each defendant herein could of remedied
the constitutional violations but did not.

(L)

PRAYER FOR RELIEF

(1) Wherefore plaintiffs respectfully pray that this honorable court enter judgment granting plaintiffs:

(2) - A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States..

(b) - compensatory damages in the amount of \$1000 per day against each defendant jointly and severally to inmates who did beyond the 10 day requirement for assignments and \$1000 per day against each defendant jointly and severally to inmates who did beyond the 180 days requirement for trials.

(c) - Punitive damages in the amount of \$1000 per day against each defendant jointly and severally to inmates who did beyond the 10 day requirement for assignment and \$1000 per day against each defendant jointly and severally to inmates who did beyond the 180 day requirement for trials.

8/

(d) - A jury trial on all issues tried by

2/8

(e) - Plaintiff cost is the suit

(f) - To appoint counsel because the
is over 30 of us who was held in false
imprisonment excessive confinement by defendant
who failed to set, and for not equally
apply the law for the class

(g) - Label us a class or behalf of
a larger group of people what rights are
being violated in the same way.

(h) - To stop defendant actions to not
set on valid claims, and for to release
inmates on fine pursuant to the law as
defined C 57(4), 60(8)(1), 60(12) and stop
violating inmates rights and stop contravening
our Constitution U.S. and P.A.

(i) any additional relief this court deems
just, proper, and equitable as defendant's
private case EXHIBIT "A" herein..

12.22.21

respectfully submitted
& WALTERS@MCF

Cecus Adell
Cross 1625-96225
SCD PHILADELPHIA
120 N 10TH ST STE

23

Note: I'm unable to obtain other inmates signatures due to my confinement at SCI etc and why course I who can represent the class shall be appointed. And due to defendants continued interruption because of litigations

Effected!

Plaintiff did file grievances to MCF authorities as (as Bagley, Sgt Arnold and Warden Hedd state (see your (exhibit C) and failed to set a cognizable claim and we went to the highest level and this court is receipt of all grievances of 30 plus inmates. And plaintiff filed for relief to ~~advisors~~ but fail on death case to George Warden

Unfiled!

I have read the foregoing complaint and hereby verify that the matters alleged therein above are true, except to matter alleged a info and belief) and as to those, I believe to be true. I certify under the penalty of perjury that the foregoing is true and correct.

Effected (Signature, PA)

12-22-21

Craig Achor
Cody Achor

Plott, et al. #1:20-cv-1787

Proof of Service

I hereby certify that I have on this day served a copy of the following and in the manner indicated below to ~~the~~ ^{on} the above of court.

Service by 1st class mail, Postage Prepaid to:

Gerard Feijer, Esq.
712 Market St
Spokane, WA 99201

Certificate

I declare under the penalty of perjury
~~that~~ the information herein is true and correct
to the best of my knowledge and beliefs.

By: Craig Axford
Craig Axford
12.27.21

Smart Communications/PADOC

Sch. Pitts
Name Chris Arceo

PA DEPARTMENT OF
CORRECTIONS
INMATE MAIL

neopost®
12/30/2021
US POSTAGE \$002.36⁰

Number Qvor25

PO Box 33028

St Petersburg FL 33733

LEGAL MAIL ADDY:
1200 North Office Drive
Courtview, PA 14228

Office of the Clerk
RECEIVED
GRANTON
Commonwealth of Pennsylvania
United States District Court
M. D. Pa.
12/30/2021
235 N. Washington Street
Philadelphia, PA 19106
DEPUTY CLERK
1 MEDICAL SECTION

ZIP:19426
041M12252211